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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,847	11/26/2003	Pascal Salazar-Ferrer	14XZ130600	6549

23413 7590 04/12/2007  
CANTOR COLBURN, LLP  
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EXAMINER
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NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,847	<b>Applicant(s)</b> SALAZAR-FERRER ET AL.	
	<b>Examiner</b> Jennifer T. Nguyen	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is responsive to amendment filed on 4/2/07.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chevassus et al. (Patent No. US 6,342,878) in view of Lee (Pub. No.: US 2003/0016417 A1).

Regarding claims 1 and 16, Chevassus teaches a peripheral device (fig. 1) for manipulating images comprising:

a gripping element (10) (col. 4, lines 26-58);

means (26, fig. 2) for transmitting command information to means for processing as a function of shift and/or efforts applied by the user on the device (col. 5, lines 55-61);

means (22, fig. 1) for actuating by the user to control the means for processing to switch from one operating mode (i.e., two dimensional operating mode) where the gripping element is used for manipulating images to an operating mode (i.e., two dimensional operating mode) where the device is used as a pointer or for selection and vice versa (col. 5, lines 18-44).

Chevassus differs from claims 1 and 16 in that he does not specifically teach the means for actuating by direct manual input by a hand of the user.

Lee teaches a selection switch (15, fig. 4) for actuating by direct manual input by a hand of the user. The selection switch for selecting one of different modes of the device [0030-0031]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the selection switch as taught by Lee in the system of Chevassus in order to operate the device in different environment; wherein that no pad or table would be needed.

Regarding claim 2, the combination of Chevassus and Lee teaches the means for actuating comprise a button (15) [0030-0031].

Regarding claim 6, Chevassus teaches the device presents a gripping head mounted on a transmitter for shifts and/or efforts, the head presenting a groove enclosing it at least partially and which facilitates positioning of the fingers of the user (col. 4, lines 26-35).

Regarding claim 13, Chevassus teaches an assembly comprising:

a peripheral device (10) for manipulating images by a user (col. 4, lines 26-58);

means (26) for processing having a memory for image modeling;

means (i.e., first serial link) for linking by which the peripheral device (10) transmits to the means for processing command information as a function of shift and/or efforts applied by the user on the device;

at least one means (32) for displaying an image;

means (i.e., first serial link) for linking by which the means for processing transmit to the means for display an image to be displayed, the image being a function of the command information transmitted to the means for processing by the peripheral device (col. 5, line 45 to col. 6, line 4);

Art Unit: 2629

wherein in one operating mode the device controls 2D navigation on the means for display;

the means (26) for processing comprising means in the one operating mode, as a function of the command information transmitted by the peripheral device (10), for controlling a 2D shift of a pointer displayed on the means for display and/or selecting given functions as a function of the position of the pointer (col. 5, line 45 to col. 6, line 4);

the assembly comprising means (22) actuated by the user to control the means for processing to switch to another operating mode for manipulating 3D images from the one operating mode where the device is used to control 2D navigation on the means for display and vice versa (col. 5, lines 18-44).

Chevassus differs from claim 13 in that he does not specifically teach the means for actuating by direct manual input by a hand of the user.

Lee teaches a selection switch (15, fig. 4) for actuating by direct manual input by a hand of the user. The selection switch for selecting different modes of the device [0030-0031]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the selection switch as taught by Lee in the system of Chevassus in order to operate the device in different environment; wherein that no pad or table would be needed.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chevassus et al. (Patent No. US 6,342,878) in view of Lee (Pub. No.: US 2003/0016417 A1) and further in view of Reid et al. (Patent No. US 6,853,365).

Art Unit: 2629

Regarding claim 3, the combination of Chevassus and Lee teaches the device has a gripping head mounted on a transmitter for shifts and/or efforts, other end has an arched section at its (figs. 1 and 2 of Chevassus).

the combination of Chevassus and Lee differs from claim 3 in that it does not specifically teach the head having a general elongated hemispheric shape terminating at one end in a substantially straight edge.

Reid teaches a general elongated hemispheric shape terminating at one end in a substantially straight edge (fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the end in a substantially straight edge as taught by Reid in the system of the combination of Chevassus and Lee in order to fit easily to user's hand.

Regarding claims 4 and 5, the combination of Chevassus, Lee, and Reid teaches the device has a gripping head mounted on a transmitter for shifts and/or efforts, the head presenting on its gripping face three recesses (107-109, figs. 1-2) distributed in a triangle in symmetrical fashion constituting tactile markers for positioning the hand of the user (col. 5, lines 1-23 of Reid).

6. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chevassus et al. (Patent No. US 6,342,878) in view of Lee (Pub. No.: US 2003/0016417 A1) and further in view of Zagnoev (Pub. No. US 2003/0090394).

Regarding claim 7, the combination of Chevassus and Lee differs from claim 7 in that it does not specifically teach a wall forming a wrist-rest in front of the device.

Zagnoev teaches a wall forming a wrist-rest (21) in front of the device (10) [0026].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the wrist-rest as taught by Zagnoev in the system of the combination of Chevassus and Lee in order to allow the user to use the device comfortably.

Regarding claim 8, the combination of Chevassus, Lee, and Zagnoev teaches a casing (10) having on one side a plurality of buttons forming a keyboard (26) and on the other side the device to be manipulated by user (23) [0024]-[0030] of Zagnoev.

Regarding claim 9, the combination of Chevassus, Lee, and Zagnoev teaches a casing bearing a plurality of buttons, as well as the device to be manipulated by user, the device being placed in a tray which the casing presents (fig. 1, [0024]-[0030] of Zagnoev).

Regarding claim 10, the combination of Chevassus, Lee, and Zagnoev teaches a casing on which the device to be manipulated by user is placed, the device extending with a main reference plane which, in the position of use expected for this peripheral device, is inclined relative to the horizontal (fig. 2, [0024]-[0030] of Zagnoev).

Regarding claims 11 and 12, although the combination of Chevassus, Lee, and Zagnoev does not specifically teach the angle of inclination is between 10 and 20 degree or 15 degree. However, it would have been obvious to obtain those angle of inclination in order to allow the user to control the device comfortably.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chevassus et al. (Patent No. US 6,342,878) in view of Lee (Pub. No.: US 2003/0016417 A1) and further in view of Bonanni et al. (Patent No. US 6,400,157).

Art Unit: 2629

Regarding claims 14 and 15, the combination of Chevassus and Lee differs from claims 13 and 14 in that it does not specifically teach the peripheral device is placed in a surgical theater and/or examination room on the edge of a table intended for patients.

Bonanni teaches a peripheral device is placed in a surgical theater and/or examination room on the edge of a table intended for patients (fig. 2, col. 7, lines 30-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the peripheral device is placed in a surgical theater as taught by Bonanni in the system of the combination of Chevassus and Lee in order to perform surgery and other medical procedures efficiently.

8. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished



Art Unit: 2629

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen  
4/9/06



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